



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Francine Donshick
R. Michael Flick
Daniel Lazzareschi, Vice Chair
Linda Kennedy
Kate S. Nelson
Rob Pierce, Chair
Patricia Phillips
Secretary
Trevor Lloyd

Tuesday, February 6, 2024
6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, February 6, 2024, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Pierce called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Francine Donshick
R. Michael Flick
Daniel Lazzareschi, Vice Chair
Linda Kennedy (via Zoom)
Kate S. Nelson
Rob Pierce, Chair
Pat Phillips

Commissioners absent: none

Staff present: Trevor Lloyd, Secretary, Planning and Building
Julee Olander, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Brandon Roman, Recording Secretary, Planning and Building

2. Pledge of Allegiance

Chair Pierce led the pledge to the flag.

3. Ethics Law Announcement and Zoom Participation Disclosure

Deputy District Attorney Jennifer Gustafson provided the ethics announcement and Zoom procedure for disclosures.

4. Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. General Public Comment and Discussion Thereof

Chair Pierce opened the Public Comment period.

Public Comment:

None

6. Approval of February 6, 2024, Agenda

Commissioner Donshick moved to approve the agenda for the February 6, 2024, meeting as written. Chair Pierce seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of January 2, 2024, Draft Minutes

Vice Chair Lazzareschi moved to approve the minutes for the January 2, 2024, Planning Commission meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. Abandonment Case Number WAB23-0008 (Kliment) [For possible action] For hearing, discussion, and possible action to approve an abandonment of Washoe County's interest in a 15-foot-wide portion of a 33-foot government patent easement for access and public utilities along the southern boundary of the parcel at 15660 Fawn Lane (APN: 150-232-02).

- Applicant/Property Owner: Richard & Cynthia Kliment
- Location: 15660 Fawn Lane
- APN: 150-232-02
- Parcel Size: 1.12 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Forest
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Clark
- Staff: Julee Olander, Planner
Washoe County Community Services Department Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; map; parcel map; Evaluation; 33' Roadway...; Amended Condition; Noticing; Reviewing Agencies & Findings; and Possible Motion.

Ms. Olander explained the 33-foot easements were included during construction because it was unclear how access to the parcels would be. At this time, the parcel was accessed through Fawn Lane and the southern easement was not used by that property or the parcels to the east; the parcels to the south used the easements on the other side of the property. She noted neighborhood meetings were not required for abandonments.

Public Comment:

None

Discussion by Commission:

There was no additional discussion.

MOTION: Vice Chair Lazzareschi moved that Abandonment Case Number WAB23-0008 be approved for Richard & Cynthia Kliment with the amended conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.

Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, zero against.

B. Amendment of Conditions Case Number WAC23-0014 (Lake Tahoe School) for WSUP17- 0004 [For possible action] – For hearing, discussion, and possible action to approve an Amendment of Conditions for Lake Tahoe School for Special Use Permit Case Number WSUP17- 0004 to increase student enrollment from 220 to 250 students.

- Applicant: Exline and Company, Inc.
- Property Owner: Lake Tahoe School
- Location: 995 Tahoe Blvd., Incline Village, NV
- APN: 127-030-39
- Parcel Size: 4.6 acres
- Master Plan: Tahoe - Incline Village Tourist
- Regulatory Zone: Tahoe - Incline Village Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Commissioner Nelson disclosed that applicant Nick Exline had worked for the Incline Village General Improvement District on some projects she worked on, but this would not impact her independent decision-making.

Secretary Trevor Lloyd conducted a PowerPoint presentation and reviewed slides with the following titles: Background (2 slides); Request; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Public Comment:

None

Discussion by Commission:

Vice Chair Lazzareschi pointed out parking spots were required based on the number of employees at the school. While there were no intentions to add employees now, he asked whether more parking spaces would be required if the school hired more employees in response to the increase in the number of students.

Mr. Lloyd responded staff would require that the number of parking spaces be in conformance with County Code standards, though this application did not propose changing staffing levels.

Vice Chair Lazzareschi mentioned that the traffic study showed the need for dedicated right and left-hand turn lanes, and he wondered if County staff had comments about the sufficiency of the parking lot entry.

Mr. Lloyd replied that Washoe County Engineering did not reference any need for improvements, and the proposal was also given to the Nevada Department of Transportation (NDOT), who provided no comments.

Applicant Nick Exline noted he has been affiliated with the Lake Tahoe School since its beginning, and it inspired a sense of community in Incline Village. He reviewed slides from his presentation entitled Traffic Study, Implementation of Traffic Mitigation Measures, and Family Trip Analysis. He indicated NDOT was considering many changes along the Route 50 and Route 28 corridors, though they could be some time in the future.

Public Comment:

In response to the second call for public comment, Ms. Annette Poliwka praised the Lake Tahoe School. She expressed concerns about safety when cars attempted to make left turns during school pickup times, the length of time it took to get out of the parking lot, and incorrect striping.

Discussion by Commission:

Commissioner Phillips requested an update on the effect on lighting and landscaping.

Mr. Exline responded those issues were addressed and they now met Code requirements.

MOTION: Vice Chair Lazzareschi moved that Amendment of Conditions Case Number WAC23-0014 be approved in order to amend Conditions of Approval for Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School) and increase student enrollment from 220 to 250 students, with the amended conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30.

Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, zero against.

C. Master Plan Amendment Case Number WMPA23-0005 and Regulatory Zone Amendment Case Number WRZA23-0007 (3180 Makayla Way) [For possible action] - For hearing, discussion, and possible action to:

- (1) Adopt an amendment to the Washoe County Master Plan, South Valleys Master Plan Land Use Map, Appendix B
 - Maps to change the master plan designation from Rural to Rural Residential on one parcel totaling 17.65 acres (APN 046-042-06); and
- (2) Subject to final approval of the associated Master Plan Amendment by the Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, recommend adoption of an amendment to the South Valleys Regulatory Zone Map to change the regulatory zone from General Rural (GR) to Medium Density Rural (MDR) on the same 17.65-acre parcel (APN 046-042-06);
- (3) And if approved, authorize the chair to sign resolutions to this effect.

- Applicant/Property Owner: O'Connor Trust
- Location: 3180 Makayla Way
- APN: 046-042-06
- Parcel Size: 17.65 acres
- Existing Master Plan: Rural
- Proposed Master Plan: Rural Residential
- Existing Regulatory Zone: General Rural
- Proposed Regulatory Zone: Medium Density Rural
- Area Plan: South Valleys
- Development Code: Authorized in Article 820, Amendment of Master Plan & Article 821 Amendment of Regulatory Zone
- Commission District: 2 – Commissioner Clark
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Commissioner Donshick disclosed she was an acquaintance with the property owner, but that would not impact her ability to make a decision. In response to Deputy District Attorney Jennifer Gustafson's follow-up question, she noted she had no close personal or familial relationship with Mr. O'Connor.

Secretary Trevor Lloyd conducted a PowerPoint presentation and reviewed slides with the following titles: Background & Location; Applicant Request – MPA; Applicant Request – RZA; Master Plan Consistency; Table 3; Envision Washoe 2040 Priority Principles...; Neighborhood Meeting; Master Plan Amendment Findings; Regulatory Zone Amendment Findings; MPA Recommendation & Possible Motion; and RZA Recommendation & Possible Motion.

Mr. Lloyd stated the parcel was 17.6 acres and it was currently vacant. The proposal would change the Master Plan land use of the subject parcel to rural residential, consistent with the parcels to its west. Changing the regulatory zone to medium density rural, he continued, would result in a maximum allowable density of three lots on the parcel. He noted staff determined that the proposed amendments were consistent with the new Washoe County Master Plan.

Applicant Art O'Connor conducted a PowerPoint presentation and reviewed slides with the following titles: Non-conforming Parcel; Town of Ophir; History of Ophir; Ophir; Mr. Douglas' House; Proposed Site Plan; ROS 4180 – No Easement; ROS 4217 – Easement Created; Last Map; Easement Modification; Notes on Easement; Easement Deed (3 slides); Proposed Solution; Parcel 1 Access; and My Last Home.

Mr. O'Connor said he had been working to parcel this land out since 2014. He indicated the property was bordered on the north and west by property belonging to the Nevada Department of Transportation (NDOT) which was part of the I-580 right-of-way, and on the south by land purchased by the Bureau of Land Management (BLM). His parcel was originally zoned as general rural because it was assumed BLM would purchase the land, but they did not want land north of his southern property line. All adjacent land was designated rural residential and zoned high density rural, and he wished to have the same designations. He reviewed the acreage of the surrounding parcels, most of which were smaller than four acres.

Mr. O'Connor indicated the lower two of the three proposed lots would use the existing easement. He pointed out that when the Record of Survey Map 4180 was created in 2003, the old land use plan system was in place, not the current master plan and zoning system. He did not believe the County would have approved a boundary line adjustment that created a lot smaller than was allowed.

Mr. O'Connor remarked he offered several solutions, including selling all the land, selling the two parcels that would use the easement, and relocating the easement, but each offer was rejected. He noted the original easement deed had no restrictions. The third parcel, he went on, would use access from BLM which was not being used. He described some of the features of his dream home and asked the Commission to approve the request.

Vice Chair Lazzareschi asked for clarification that this item did not involve an easement or a potential future re-mapping of the parcel, and that it was just about zoning and Master Plan amendments.

Ms. Gustafson confirmed the Vice Chair was correct and there was no parcel map application before the Commissioners for approval. They were to consider the findings under the Master Plan and the regulatory zone.

Vice Chair Lazzareschi advised any speakers not to rebut any of the points discussed by Mr. O'Connor in his presentation about an easement.

Public Comment:

Mr. Jason Strull expressed opposition to the amendments, noting the parcel was used primarily as pastureland before it was purchased by Mr. O'Connor in 2022. His opposition centered around the fact that access to the subject parcel relied on an easement that went through his parcel. He believed any change to the zoning would be a potential overburden of the original intent of the easement. He displayed pictures of the area and stated he did not want the parcel to be sub-divided, causing additional traffic.

Mr. Derek Gunn cited Mr. O'Connor's presentation, commenting that use of the easement would be limited to not more than two single-family residences, not parcels. The access would not be suitable for the applicant's proposal, and he felt it should remain low density zoning based on that access. He expressed that he did not want to hold Mr. O'Connor back from his dream home, but he felt it would be unsuitable to subdivide the parcel and give it a medium density zoning.

Ms. Amanda Gunn understood the Vice Chair's comments about the easement, but she thought the Commissioners needed to consider access as zoning. She expressed concern about additional traffic from delivery vehicles and buses as well as additional traffic on Old 395 when the valley was closed due to wind or bad weather. She stated she was never offered to make comments during the neighborhood meeting, and she contested Mr. O'Connor's proposed solutions were unrealistic. The applicant's dream home, she said, should not come at everyone else's expense.

Mr. Philip McCauley stated Mr. O'Connor had reached out to him about his easement proposal, in which he said he was not interested. He reiterated the easement was intended for two houses, not two parcels. He wanted the properties to remain as they were.

Mr. Wayne Barlow indicated he used to own 3055 Old Rt. 395 and was told then that the well on the property went dry during an extended drought. He expressed concern about the well water since, at that time, there were only six properties, but there would be 17 if this proposal were approved. He requested that a groundwater study be performed.

Ms. Denise Barlow inquired whether the minimum acreage for an MDR designation was four or five acres. If it were only four acres, Mr. O'Connor could create four parcels, something she believed was unreasonable.

Ms. Karen Gash said she purchased her property in 1969 when the area on Makayla Way was pastureland. Since 2017, several homes went in, and in her opinion Mr. O'Connor's proposal would constitute a small subdivision out of character with the surrounding area. The area would then become more suburban than rural, and she asked the Commission to deny the amendments.

Mr. Roger Gash cited the Washoe Valley Scenic Byway Corridor Management Plan and said this proposal did not conform with the County's intent for that valley. The subject property, he pointed out, bordered federal land on the south and east, and state land on the north. He repeated the point that use of the easement was to be limited to two single-family residences, and the subject parcel was currently zoned for one residence. He urged the County to complete a land-title due diligence prior to making a decision.

Discussion by Commission:

Commissioner Phillips noted there was nothing in the proposed motions addressing parcels or easements.

Mr. Lloyd confirmed that information regarding the number of lots and the easement would be required when a parcel map was submitted to the County. The item before the Commission pertained the Master Plan and zoning designations.

Commissioner Phillips sought clarification that the parcels to the west were zoned high density.

Mr. Lloyd responded they were high density rural, and most of the parcels were developed.

Commissioner Flick inquired about the total number of lots that currently existed, and the number that would result if the amendment changes were approved.

Mr. Lloyd acknowledged there was some confusion about minimum lot sizes and the maximum allowed density. The maximum density was one dwelling unit per five acres, but the minimum lot size was four acres. He explained the density determined the total number of lots which could be developed, so an MDR property would need to be ten acres or larger to create two lots, the smaller of which would need to be at least four acres. Given the size of the subject parcel, the maximum number of lots in MDR zoning that could be created would be three, and

it would not be able to split more in the future as long as it was zoned MDR. However, each lot could have on it both a primary residence and an accessory dwelling.

Commissioner Kennedy asked both about the availability of well water and whether the parcel's location in a flood plain was considered.

Mr. Lloyd said an applicant would need to purchase the water rights for each new parcel that might be created. He noted the application was sent to the State's water resources department and the County's water expert, and no concerns were raised. He said the property was not identified as being in a flood zone, though many nearby properties had more flood constraints.

Commissioner Kennedy pointed out that owning water rights did not guarantee adequate water in the ground. She wondered about the justification for the need for water created by three more properties.

Mr. Lloyd remarked those issues were monitored by the State's water engineer, who determined the availability of water within each hydro basin in the state. He mentioned the State did respond to the proposal but did not raise any concerns about water.

Commissioner Phillips asked whether water rights decisions were up to the State's water engineer or the Truckee Meadows Water Authority (TMWA).

Mr. Lloyd said this property was outside TMWA's service territory, so it would be up to the State.

Commissioner Flick reiterated there was no parcel map application, though approval of this item could result in the quick submission of one. He emphasized that the focus of this item was about the Master Plan and zoning designations, and the remainder of the issues would be addressed when it was time for the land to be developed.

MOTION: Commissioner Flick moved that the resolution contained at Exhibit A of this staff report be adopted to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA23-0005, having made at least three of the five findings in accordance with Washoe County Code Section 110.820.15(d). He further moved that the resolution and the proposed Master Plan Amendments in WMPA23-0005 be certified as set forth in this staff report for submission to the Washoe County Board of County Commissioners, and the chair be authorized to sign the resolution on behalf of the Planning Commission.

Commissioner Nelson seconded the motion, which passed with a vote of six for, one against with Commissioner Kennedy voting no.

MOTION: Commissioner Flick moved that the resolution included as Exhibit B be adopted, recommending adoption of Regulatory Zone Amendment Case Number WRZA23-0007, having made all of the findings in accordance with Washoe County Code Section 110.821.15. He further moved that the resolution and the proposed Regulatory Zone Amendment in WRZA23-0007 be certified as set forth in this staff report for submission to the Washoe County Board of Commissioners, and the chair be authorized to sign the resolution on behalf of the Washoe County Planning Commission.

Commissioner Nelson seconded the motion, which passed with a vote of six for, one against with Commissioner Kennedy voting no.

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

9. Chair and Commission Items

A. Future agenda items

There were no items.

B. Requests for information from staff

There were no requests.

10. Director's and Legal Counsel's Items

A. Report on previous Planning Commission items

Secretary Trevor Lloyd informed the Commission that the first reading of the Code amendment for Wood Creek in Incline Village was scheduled for February 20, 2024. He also noted the Regional Planning Commission approved the Envision Washoe 2040 plan on January 25, 2024, making it official.

B. Legal information and updates

There were no updates.

11. *General Public Comment and Discussion Thereof

Mr. Jason Strull expressed disappointment about the Commission's vote and requested more information from Secretary Trevor Lloyd about the appeal process. He reiterated he did not want to prohibit Mr. O'Conner from building his dream house, but he chose this area because of its rural nature. He understood the Commission could not consider all the hypothetical scenarios involved when making their decision.

Ms. Baylee Biber indicated that cattle grazed on her 9-acre property, and she expressed concern about construction happening on the marshy ground there and people potentially touching her cows, which would be a liability risk. She expressed a desire for more information about the appeal process.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:24 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor.

Approved by Commission in session on March 5, 2024.

Trevor Lloyd

Trevor Lloyd

Secretary to the Planning Commission